

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN C. BERKERY, SR.,

Plaintiff,

v.

MELVIN ROSS GUDKNECHT,

Defendant.

CIVIL ACTION
NO. 17-5574

ORDER

AND NOW, this 24th day of July, 2018, it is hereby **ORDERED** that:

1. The Complaint is **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), in accordance with the Court's Memorandum. Berkery is given leave to file an amended complaint by August 23, 2018 in the event that he can state a plausible claim. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED** by the Court.
2. The Clerk of Court shall furnish Berkery with a blank copy of this Court's current standard form to be used by a *pro se* litigant filing a civil action bearing the above-captioned civil action number.
3. If Berkery fails to file an amended complaint, his case may be dismissed, without further notice, for failure to prosecute.

It is further **ORDERED** that Berkery's pending Motion to Strike (ECF No. 22), Motion to Compel (ECF No. 23), Motion for Summary Judgment (ECF No. 25) and Motion for Status (ECF No. 27) are **DENIED as MOOT**.

BY THE COURT:

/s/ *Gerald J. Pappert*
GERALD J. PAPPERT, J.